REMARKS

Claims 59 and 60 are added, and therefore claims 29 to 60 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

THE PRESENT OFFICE ACTION SHOULD NOT HAVE BEEN MADE FINAL. CLAIMS 57 AND 58 (ADDED IN THE RCE AMENDMENT AFTER A FINAL OFFICE ACTION RECEIVED BY THE OFFICE ON SEPTEMBER 18, 2009) ADD SIGNIFICANT FEATURES WHICH ARE NOT ADDRESSED BY THE GROUNDS OF RECORD PRIOR TO THE FILING OF THE RCE. IT IS THEREFORE RESPECTFULLY REQUESTED THAT THE FINALITY OF THE OFFICE ACTION BE WITHDRAWN.

Claims 29 to 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,615,366 ("Grochowski") in view of U.S. Patent No. 6,003,133 ("Moughanni").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must

teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Grochowski reference does not disclose the feature in which a first program memory region is assigned to a first of the two operating modes, in which a second program memory region is assigned to a second mode, and in which the switching between the two operation modes is performed by accessing a predefined memory address.

As to the secondary Moughanni reference, it does not disclose the feature in which there are two memory regions exclusively assigned to any of the two operating modes, and in which the switching happens by accessing a predefined memory addresses. The FOffice Action cites the text at column 3, lines 4 to 33, but Figure 2 shows something that is named "user space 41" and "supervisor space 42". The Office Action apparently assumes that "space" necessarily means memory space, but in view of Figure 2, this does not make sense since the protected system resources 47 are also part of the "supervisor space" and protected system resources means something like "initializing clocks, initializing peripherals, exception handling, memory mapping and allocation of resources" (column 3, line 21 to 24).

Accordingly, the part of "supervisor space" includes the system resources which clearly are not a memory space, so that "user space" and "supervisor space" does not correspond to a memory space, as provided for in the context of the presently claimed subject matter. Further, there is no disclosure as to the aspect in which accessing specific addresses of the memory is the reason for switching between the two operating modes.

As is plainly evident from Figure 3 and the text at column 3 (line 33 ff) of Moughanni, the CPU of the processing system creates CPU status signals 34: "[T]hese CPU status signals 34 indicate to the firewall circuit 50 whether the CPU 22 is in privileged or non privileged mode". (Column 3, lines 36 to 38). This reference therefore plainly indicates that the CPU generates a signal that determines in which mode of operation the CPU is working. The firewall circuit 50 then sets a firewall timer to allow the specific privileged mode of operation only for a certain period of time. This guarantees that the privileged mode of operation cannot maintain for a too long period. This provides no suggestion to a person skilled in the art that the switching between the two operation modes of the processors system is performed by accessing a predefined memory address.

Accordingly, claim 29 is allowable, as are its dependent claims.

Claim 44 , as presented, includes features like those of claim 29, and it is therefore allowable for essentially the same reasons as claim 29, as are its dependent claims.

Further, claims 57 and 58 include additional features not disclosed nor suggested by the "Grochowski" and "Moughanni" references. For example, claim 57 includes the feature in which the *at least two execution units are permitted to access the at least one first program memory region only in the first operating mode and the at least one second program memory region only in the second operating mode*. As the Final Office Action admits, the "Grochowski" reference does not disclose (nor even suggest) the feature of *assigning memory regions to operating modes*.

Still further, the "Grochowski" reference does not disclose the feature of *permitting access to memory regions* -- and this feature cannot be implied. Even if the "Moughanni" reference did refer to *assigning memory regions to operating modes*, it does not disclose (nor even suggest)the feature of *permitting access to the at least one first program memory region only in the first operating mode and the at least one second program memory region only in the second operating mode*. Since the "Moughanni" reference does not disclose the feature of *permitting access to the at least one first program memory region only in the first operating mode and the at least one second program memory region only in the second operating mode*, this evidences that fact that the feature of *permitting access to the at least one first program memory region only in the first operating mode and the at least one second program memory region only in the second operating mode* is not disclosed by the "Grochowski" reference.

Accordingly, claims 57 and 58 are allowable for these further reasons.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

New claims 59 and 60 do not add any new matter and are supported by the present application, including the specification. Claims 59 and 60 respectively depend from claims 29 and 44, and they are therefore allowable for the same reasons as their respective base claims.

Still further, claim 59, as presented, includes the feature *in which at least one first program memory region is exclusively assigned to a first one of the at least two operating modes, at least one second program memory region is exclusively assigned to a second one of the at least two operating modes, and at least one third program memory region is assigned to both the first operating mode and the second operating mode*, and it is therefore allowable for this further reason. Claim 60 includes a similar feature and it is also allowable for this further reason.

In particular, the "Moughanni" reference concerns a system having only one execution unit and it is therefore not applicable as a reference so as to render obvious a processor system having at least two execution units. Further, the "Moughanni" reference does not disclose nor even suggest the feature of *exclusively assigning a memory region to an operating mode* , as provided for in the context of the presently claimed subject matter. The "Moughanni" reference merely refers to user applications stored in a user space that execute in a non-privileged mode, and an operating system stored in a supervisory space that acts as an interface. The user applications can only access protected system resources stored in a supervisory space via the operating system. This does not correspond to exclusively assigning the user space to the non-privileged mode and exclusively assigning the supervisory space to the privileged mode , as provided for in the context of the presently claimed subject matter. For example, the supervisory space contains the operating system which is used in the non-privileged mode.

Still further, the "Moughanni" reference does not disclose nor even suggest the feature in which *at least one first program memory region is exclusively assigned to a first one of the at least two operating modes, at least one second program memory region is exclusively assigned to a second one of the at least two operating modes, and at least one third program memory region is assigned to both the first operating mode and the second operating mode*, as provided for in the context of the presently claimed subject matter. Even if the "Moughanni" reference did concern a first program memory region exclusively assigned to a first operating mode and a second program memory region exclusively assigned to a second operating mode, the "Moughanni" reference does not disclose nor even suggest

the feature of *a third program memory region assigned to both the first operating mode and the second operating mode*.

Accordingly, claims 59 and 60 are allowable for these further reasons.

In summary, all of pending claims 29 to 60 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 29 to 60 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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